

1901-048 Chancery Cause: B. F. Thompson vs. William M. Pugh & wife
Lee Co.

CA Contract Dispute
T-Property

To the Hon H. A. W. Sheen, Judge of the Circuit-Court-
For Lee County, Virginia.

Humbly complaining your orator B. F. Thompson
shetheth to the Court, that on the 15th day of Sept-
1897 one Mary B. Pugh and her husband Wm. Pugh were
the owners of a certain tract or parcel of land lying
in the said County of Lee and containing about 8 acres,
situated on the waters of the North Fork of Powell's River
and being a part of the John Smyth land, and
conveyed by the heirs of Rebecca Orr (deceased) to said
Mary B. and Wm. M. Pugh, and bounded by the lands
of E. V. Latta, and those of the heirs of James Smyth
(deceased), and the public county road; that on the
said day and year aforesaid, your orator purchased
from the said Mary B. Pugh and Wm. M. Pugh the
said tract of land, for a valuable consideration
in the County right of a certain patented apple
picker of which your orator was then the sole owner,
for the County of _____, of the State of Tennessee,
which said consideration was then and there paid
the said Mary B. and Wm. M. Pugh, and the possession
to said land was given to your orator by the said
Pughs, who then and there executed to your orator
a certain ^{writing} ~~paper~~ purporting to be a title bond, binding
themselves in a penalty to make your orator a good
and sufficient deed for said land, within six
months from that date, and in which said writing
the said Mary B. Pugh and Wm. M. Pugh acknowledge
the receipt of the full price paid for said land, and in
which they acknowledge the sale of said land; but
your orator is advised that said writing is not
a title bond at all, not being under seal, but

1 that the said writing is nothing more in law than
2 a contract, or a memorandum of a contract, of the
3 sale of said land to your orator, and their agreement -
4 to make and execute him a deed therefor, which
5 said writing is herewith filed under the "Contract", and
6 prayed to be read and treated as a part of this bill.

7 Your orator further says that he is advised that
8 he cannot bring an action on said ~~bond~~ writing to
9 recover the penalty therein named, as the said writing
10 is not a bond, and that your orator is entitled in the
11 premises to have his said contract specifically performed,

12 Wherefore, your orator brings remedies save in a
13 a Court of equity, and herewith showing that he has
14 fully and in good faith performed his part of said
15 contract, prays that the said W^m. M. Pugh and
16 Mary B. Pugh may be made parties defendants
17 to this bill and required to answer the same but
18 they need not do so on oath, that being hereby waived,
19 that proper process issue, that the said W^m. M.
20 Pugh and Mary B. Pugh be compelled on their part
21 to perform and comply with their said contract; and
22 to execute, properly acknowledge and deliver to your
23 orator a good and sufficient deed, for said land, or
24 they failing in that, a commissioner be appointed by
25 this Court to make said deed for them; that all
26 proper orders and decrees be made and entered;
27 and that all such other, further and general relief
28 may be given, as in the premises is just and right;
29 And your orator will ever pray etc.

30 J. L. Noel p. q.

B. F. Thompson
vs. Bill & Chas.
W. M. & Mary B. Pugh

1901. 2nd October Rules Bill
filed 3pa & sealed and
Decree nisi,
" 1st Nov Rules held the
last Monday in Oct
D. N. Confd. & Cause set
for hearing.

November Term 1901
Decree final Chancery
OVB No 7. Page 31

Plaintiffs Costs
Clerk 2.87
Tax 1.50
Sheriff 1.00
\$5.37

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

Wm M Pugh + Mary B Pugh

to appear at the Clerk's office of the Circuit Court of the County of Lee, at the rules to be held for the
said court, on the *3rd* Monday in *October* 1901, to answer a bill in
chancery exhibited against *them* in our said court by *B. F.*
Thompson

And have then there this writ. Witness, A. B. Munsey, Clerk of our said Court, at the court-house,
the *15th* day of *October* 1901, and in the 126th year of the Common-
wealth. A copy, Teste:

A. B. Munsey Clerk.

Clerk.

Oct 17 1901

B. F. Thompson

VS.

SUBPOENA
IN CHANCERY.

M^r M. Pugh et al

J. L. Noel

p. q.

To 2nd October Rules.
1901. Circuit Court.

~~Exempted in part by~~

D. P. B. Esq. Deputy for
W. J. Williamson Esq.

Exempted this 17 day of October 1901 as to Mary B. Pugh by
devising to her an patented copy of the certificate of birth.
Further exempted as to Mrs. M. Pugh by giving her information
as to the birth of her child, she then being a member of his family and
above the age of sixteen years, and the said Mrs. M. Pugh
not being found at his usual place of abode.